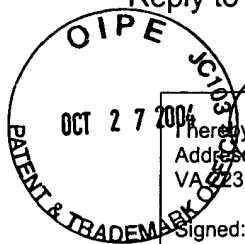


Appln. No.: 10/618,427
Petition dated Oct. 27, 2004,
Reply to Notice of Omitted Items dated Sept. 2, 2004

10-29-04
PATENT
Customer No. 22,852
Attorney Docket No. 07451 0002-04000
InterTrust Ref. No. IT-8.4(US)



CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 27, 2004. Express Mail Label No.: EV527340885US

Signed: *Athena E. Pretory*

Athena E. Pretory

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David M. Van Wie et al.

Application No.: 10/618,427

Filed: July 10, 2003

For: STEGANOGRAPHIC TECHNIQUES
FOR SECURELY DELIVERING
ELECTRONIC DIGITAL RIGHTS
MANAGEMENT CONTROL
INFORMATION OVER INSECURE
COMMUNICATIONS CHANNELS

)
)
) Group Art Unit: 2131

)
) Examiner: Not Yet Assigned

)
)
) Confirmation No.: 5616

11/01/2004 MGBREM1 00000061 060916 10618427

01 FC:1460

130.00 DA

Attn.: Office of Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

PETITION UNDER 37 C.F.R. § 1.53(e)(2)

In response to the Notice of Omitted Item(s) In A Non-Provisional Application dated September 2, 2004, Applicants hereby respectfully petition for the finding that Figure 15F of the above-captioned application was included in the application as filed on July 10, 2003. Applicants further petition for the entry of Figure 15F into the application while preserving its original filing date of July 10, 2003. Applicants have enclosed a copy of the Figure 15F, attached hereto as Exhibit C, to complete the USPTO records for the above-captioned application.

The September 2, 2004, Notice of Omitted Item(s) indicated that Figure 15F described in the specification was omitted from the application. While the drawing was apparently absent from the papers deposited with the Office, Applicants respectfully submit that the drawing was included in the application papers as originally filed, because the entire disclosure of its parent application 10/189,231 (now issued as U.S. Patent No. 6,618,484), which includes Figure 15F, was expressly incorporated by reference into the present application. The full parent application is attached hereto as Exhibit D.

The present application was filed as a rule 1.53(b) Continuation application of 10/189,231 (filed on July 5, 2002). Item 1 of the transmittal letter containing the request for filing the continuation application, expressly stated that a copy of the prior Application No. 10/189,231 "including ... drawings, if any, as originally filed" is enclosed and that this prior application was "incorporated ... by reference" into the present application. (*Emphasis added*). A copy of this transmittal letter dated July 10, 2003, is attached herein for your review as Exhibit A.

Accordingly, Applicants assert that Figure 15F was included in Application No. 10/618,427, originally submitted to the USPTO on July 10, 2003, by way of incorporating its parent application 10/189,231 by reference. Applicants also request that the enclosed Figure 15F be entered into the USPTO file associated with the present application without effect on the original filing date of July 10, 2003.

Applicants have previously submitted a copy of the specification and declaration as part of their Continuation application, the Declaration filed therein specifically

Appln. No.: 10/618,427
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addressed the present application containing Figure 15F. Thus the figure submitted here is not new subject matter, and it is Applicants' understanding that a newly executed oath or declaration is not required.


CONCLUSION

Applicants respectfully request recognition of July 10, 2003, as the filing date for Application No. 10/618,427. The Director is hereby authorized to charge the petition fee of \$130.00 to our Deposit Account No. 06-0916 [37 C.F.R. §§ 1.17(i);1.53(e)(2)]. If there are any other fees due in connection with the filing of this petition, including any fees required for an extension of time under 37 C.F.R. § 1.136, such an extension is requested, and the Commissioner is authorized to charge any related fees to our deposit account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

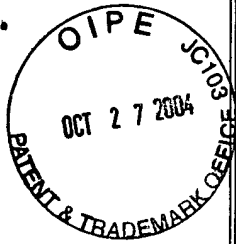
Dated: October 27, 2004

By: 
Andrew Schwaab
Reg. No. 38,611

Finnegan Henderson Farabow
Garrett & Dunner L.L.P.
1300 I Street, NW
Washington, D.C. 20005
(202) 408-4000

Enclosures:

- Exhibit A:** Copy of Transmittal Letter from Applicants' July 10, 2003, Filing;
- Exhibit B:** Copy of Notice of Omitted Item(s) in a Non-Provisional Application dated September 2, 2004.
- Exhibit C:** Figure 15F.
- Exhibit D:** Copy of Application No. 10/189,231, including figures.



22852

PATENT TRADEMARK OFFICE

PATENT
Customer Number 22,852
Attorney Docket No. 7451.0002-04
InterTrust Ref. No.: IT-8.4 (US)

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, in an envelope addressed to: MAIL STOP: PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 10, 2003. Express Mail Label No.: EV352475243US

Signed:

Cindy Baglietto
Cindy Baglietto

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

Prior Application Art Unit: 10/189,231 Prior Application Examiner: B. Gregory

SIR: This is a request for filing a

☒ Continuation ☐ Continuation-in-Part ☐ Divisional Application under 37 C.F.R. § 1.53(b) of pending prior Application No. 10/189,231 filed July 5, 2002, of David M. Van Wie and Robert P. Weber for STEGANOGRAPHIC TECHNIQUES FOR SECURELY DELIVERING ELECTRONIC DIGITAL RIGHTS MANAGEMENT CONTROL INFORMATION OVER INSECURE COMMUNICATION CHANNELS

1. ☒ Enclosed is a complete copy of the prior application including the oath or declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior Application No. 10/189,231 as originally filed on July 5, 2002, which is incorporated herein by reference.
2. ☐ Enclosed is a substitute specification under 37 C.F.R. § 1.125.
3. ☐ Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 122(b)(2)(B)(i).
4. ☒ Cancel Claims 1-29.
5. ☒ A Preliminary Amendment is enclosed, with new claims 30-53.
6. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 and 5 above.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
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Basic Application Filing Fee					\$750	\$ 750.00
	Number of Claims		Basic	Extra Claims		
Total Claims	24	-	20	4	x \$18	\$ 72.00
Independent Claims	5	-	3	2	x \$84	\$ 168.00
TOTAL APPLICATION FILING FEE						\$ 990.00

7. ☒ Please charge the amount of \$990.00 to our Deposit Account No. 06-0916. This amount includes the basic application filing fee of \$750.00, and additional claim fee of \$240.00.
8. ☒ The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.
9. ☒ Amend the specification by inserting before the first line, the following new paragraph: This application is a continuation of U.S. Application No. 10/189,231, filed July 5, 2002, which is a continuation of U.S. Application No. 09/790,566, filed February 23, 2001, now U.S. Patent No. 6,449,367, which is a continuation of U.S. Application No. 09/247,328, filed February 10, 1999, now U.S. Patent No. 6,240,185, which is a continuation of U.S. Application No. 08/689,606, filed August 12, 1996, now U.S. Patent No. 5,943,422.
10. ☐ New formal drawings are enclosed.
11. ☒ The prior application is assigned of record to: InterTrust Technologies Corp.
12. ☐ Priority of Application No. [Text], filed on [Text] in [Country] is claimed under 35 U.S.C. § 119. A certified copy
- ☐ is enclosed or ☐ is on file in the prior application.
13. ☐ Small entity status is appropriate and applies to this application.
14. ☒ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593;

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Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilley, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewris, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Roger D. Taylor, Reg. 28,992; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burgujian, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanhon Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,867; James W. Edmondson, Reg. No. 33,871; Michael R. McGurk, Reg. No. 32,045; Joann M. Neth, Reg. No. 36,363; Gerson S. Panitch, Reg. No. 33,751; Cheri M. Taylor, Reg. No. 33,216; Charles E. Van Horn, Reg. No. 40,266; Linda A. Wadler, Reg. No. 33,218; Jeffrey A. Berkowitz, Reg. No. 36,743; Michael R. Kelly, Reg. No. 33, 921; James B. Monroe, Reg. No. 33,971; Doris Johnson Hines, Reg. No. 34,629; Allen R. Jensen, Reg. No. 28,224; Lori Ann Johnson, Reg. No. 34,498; David A. Manspeizer, Reg. No. 37,540; R. Bruce Bower, Reg. No. 37,099; John Rissman, Reg. No. 33,764; M. Lawrence Oliverio, Reg. No. 30,915; Therese Hendricks, Reg. No. 30,389; Leslie I. Bookoff, Reg. No. 38,084; Michele C. Bosch, Reg. No. 40,524; Michael J. Flibbert, Reg. No. 33,234; Scott A. Herbst, Reg. No. 35,189; Leslie A. McDonell, Reg. No. 34,872; Thalia V. Warnement, Reg. No. 39,064; Linda J. Thayer, Reg. No. 45,681; and Karna J. Nisewaner, Reg. No. 50,665.

15. ☐ The power appears in the original declaration of the prior application.
16. ☐ Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.

17. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852.**
18. ☐ Recognize as associate attorney _____
19. ☐ Also enclosed is _____

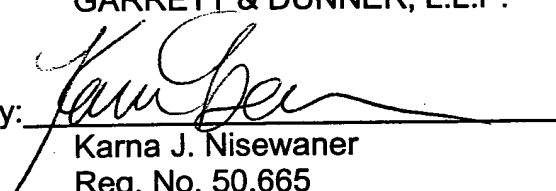
PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in parent Application No. 10/189,231, filed July 5, 2002, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 10, 2003

By: _____


Karna J. Nisewaner
Reg. No. 50,665

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 Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/618,427	07/10/2003	David M. Van Wie	7451.0002-04

22852
 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
 LLP
 1300 I STREET, NW
 WASHINGTON, DC 20005



CONFIRMATION NO. 5616

FORMALITIES LETTER



OC000000013696901

Date Mailed: 09/02/2004

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) **15F** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted item(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any

omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

T. TU
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE